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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **ERIC PAUL BIGONE,**

Petitioner,

15
16 v.

17 **K. PROSPER, Warden,**

18 Respondent.
19

C 08-0811 JSW (PR)

**MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

20 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-
21 day extension of time, until September 5, 2008, in which to file an answer or other response to
22 the petition for writ of habeas corpus. Good cause for the extension is set forth in the
23 accompanying declaration of counsel. We have not attempted to contact petitioner about this
24 extension of time because he is an incarcerated state prisoner who is representing himself.

25 WHEREFORE, respondent respectfully requests that this Court grant an extension of
26 time to and including September 5, 2008, in which to file an answer or other responsive pleading.

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1 Dated: July 7, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
Supervising Deputy Attorney General

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10 /s/ Michele J. Swanson
MICHELE J. SWANSON
Deputy Attorney General
Attorneys for Respondent

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 **ERIC PAUL BIGONE,**

Petitioner,

15 **v.**

16 **K. PROSPER, Warden,**

17 Respondent.
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19

C 08-0811 JSW (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

20 I, MICHELE J. SWANSON, declare under penalty of perjury as follows:

21 I am a Deputy Attorney General for the State of California and am assigned to
22 represent respondent in this case. Respondent's answer or other responsive pleading is due July
23 7, 2008, pursuant to this Court's May 7, 2008 Order to Show Cause. I am unable to meet this
24 deadline, and request an enlargement of time to file a response to the petition for writ of habeas
25 corpus for the following reasons.

26 I was not the attorney who briefed this case on direct review in state court. Since
27 having this case assigned to me, I have been working on cases with chronological precedence,
28 and in the past 30 days, I have filed reply briefs in *Muhammad v. Adams*, C 07-3627 MMC (PR)

1 and *Parnell v. Evans*, C 05-4324 SBA (pr), and an answer in *Collier v. Hedgpeth*, C 07-5964 SI
2 PR. I have also recently completed the answers in *Wash v. Runnels*, C 04-04207 JW and *Haney*
3 *v. Adams*, C 07-4682 CRB (PR). For these reasons, I am unable to file the response in this case
4 by the current deadline.

5 I have not attempted to contact petitioner about this extension of time because he is an
6 incarcerated state prisoner who is representing himself.

7 Accordingly, I request that the Court grant respondent an extension of 60 days, to and
8 including September 5, 2008, in which to file a response to the petition.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed at San Francisco, California, on July 7, 2008.

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12 /s/ Michele J. Swanson
13 MICHELE J. SWANSON
14 Deputy Attorney General
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **ERIC PAUL BIGONE,**

12 Petitioner,

13 v.

14 **K. PROSPER, Warden,**

15 Respondent.

C 08-0811 JSW (PR)

[PROPOSED] ORDER

16
17 GOOD CAUSE APPEARING, it is hereby ordered that respondent shall file with the
18 Court and serve on petitioner, on or before **September 5, 2008**, an answer or other response to
19 the petition for writ of habeas corpus.

20 IT IS SO ORDERED.

21
22 Dated: _____

The Honorable Jeffrey S. White

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Bigone v. Prosper, Warden**

No.: **C 08-0811 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On July 7, 2008, I served the attached **MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF COUNSEL IN SUPPORT OF MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Eric Paul Bigone
No. F03865
P.O. Box 2210
Susanville, CA 96127

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 7, 2008, at San Francisco, California.

D. Desuyo
Declarant

/s/ D. Desuyo
Signature